

FILED BY AMS D.C.

SEP 15 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - FT. PIERCE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE - DIVISION

Michael Hogan
plaintiff,

V.

Case No:

Sergeant Gorman Et. AL,
defendants

LEGAL MAIL PROVIDED TO
COLUMBIA CORRECTIONAL INSTITUTION
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Staff Initial W1 W1

U.S.C. 1983 CIVIL RIGHTS COMPLAINT
BY PERSON IN STATE CUSTODY.
WITH JURY DEMAND

Introduction.

This is a civil rights action filed by, Michael Hogan, a state prisoner, for damages and relief under U.S.C. § 1983, alleging Cruel and Unusual Punishment, Denial of Due Process, Deliberate Indifference To Serious Medical Needs, In Violation of the Eighth Amendment to the United States Constitution. Plaintiff also alleges the Tort Claim of Malpractice, and Negligence.

Jurisdiction.

1. The Court has Jurisdiction over the plaintiffs' claims of violation of federal Constitutional rights under 42 U.S.C. § 1331(1) and 1343.

2. The Court has supplemental jurisdiction over the plaintiff's state law tort claims Under 28 U.S.C. § 1367

Parties Involved.

3. The plaintiff, Michael Hogan, was incarcerated at Martin Correctional Institution (Martin) during the events described in this complaint.

4. Defendant, Sergeant Gorman was a Sergeant employed at Martin Correctional Institution. He is sued in his individual capacities.

5. Defendant, Sergeant Hamm, was a Sergeant employed at Martin Correctional Institution. He is sued in his individual capacities.

6. Defendant, Randt, was an officer employed at Martin Correctional Institution. He is sued in his individual capacities.

7. Defendant Lawrence, was an officer employed at Martin Correctional Institution. He is sued in his individual capacities.

Facts.

8. On 6/19/2021, at Martin plaintiff was housed in the special Observation status housing cell

(SHOS) in Delta dorm, Wing 1, Cell 122 (D1122), with no clothing or property after being searched, only a mattress on the floor and a gown to cover up my physical self with.

9. While housed in D1122 on the 7am to 7pm shift, Sergeant Gorman, (Gorman), and officer Randt, (Randt) told the orderlies (Names unknown till after discovery) to do not feed me lunch or dinner or bring me any food or items and Gorman placed a lock on my door so it could not be opened except by them.

10. Gorman called me a bitch and Maliciously and Seditiously in violation of the Confidentiality Clause gave up my personal information to start problems with other inmates intentionally.

11. These actions were done for no other reason except to harm, humiliate, and degrade showing Gorman's intentions to violate the rules, regulation, laws, and rights on Camera and Audio recordings.

12. On 6/20/21, I was again denied all food and water by Gorman and Randt, for lunch and dinner, intentionally.

13. I was given a sharpened piece of metal by Gorman and told "Why don't you kill yourself."

14. I cut myself 86 times, permanently Mutilating my self and was left to die. (Scars still visible)

15. Gorman, Randt and officer Lawrence (Lawrence), all witnessed the cuts and blood all over the cell laughing at me and making derogatory comments every time they did their security checks and count I was left this way until after shift change intentionally.

16. On 6/21/21, I was released from SHOS status by psychological doctor Sincere with no Dr. pending.

17. Sergeant Hamm (Hamm), refused to release me to the compound in violation of my due process rights even though I was released from SHOS status and had No Disciplinary Report pending.

18. Hamm and Halverson both told me I was waiting on housing.

19. I continuously asked Hamm why I was still in SHOS with no clothes and not released as I was notified by all, so he told his orderlies to not feed me and refused to open remove the lock off my door, in his words for "Harrassing him about being released." (I was never released.)

20. On 6/22/21, Halverson came to my cell and again told me, I was released yesterday, but was still waiting on Hamm to let me out, I still had no DR pending or nothing to keep me in D1122 SHOS.

21. I was again not fed lunch or dinner and my water still had not been turned back on since the 7am-7pm shift on 6-19-21. The orderlies told me Hamm again told them to not feed me or come near my cell (The lock was still on my door so it couldn't be opened).

22. Hamm intentionally refused to release me from D1122 SHOS in violation of my due process rights for no other reason except to harass, humiliate and torment me.

23. On 6/23/21, I was again not fed lunch or dinner by Gorman and Randt, and still no water in my cell to drink or flush my toilet for 5 days at this point. Constituting Cruel and Unusual Punishment

24. Gorman and Randt continued to harass me make fun of me and tell me I'm on a diet on Audio/Video recordings. (The lock was still on my cell door)

25. Colonial Coleman walked through for inspection and witnessed the 5 days worth of body waste in

my toilet, I informed him I had not had water or food since the 19th and had been released from SHDS even though psychological Doctor Sincere released me on the 21st.

26. Colonial Colman ordered Gorman and Randt to turn on my water, Feed me and give me my clothes and property. (This was not done that day).

27. At dinner Randt opened my cell flap and tried to give me a styrofoam tray with lid. I requested for him to open it on camera. He stated "do you want it or not," So I reached to grab it and shoved it out side my door on camera/Audio recording.

28. Randt tried to yank it back but I would not let go causing the tray to rip in half.

29. The tray had nothing at all in it, it was clean. Showing Randt tried to not Feed me again intentionally and Maliciously. In violation of the Colonials orders to do so.

30. Gorman, Lawrence's superior had Lawrence to write a false disciplinary report stating on 6/19/21, I popped a sprinkler. Disciplinary Log #

(This never happened as camera/Audio and psychological counselors will verify along with Fire Marshal report.

31. I was only written this false report so I could be kept in confinement intentionally and Maliciously in violation of my due process rights and Malpractice of Lawrence and Gorman's Job to not falsify documents or Conspire to commit Constitutional or State Law violations.

32. I had a known broken arm and never received medical care even though Before this I was housed in the infirmary awaiting treatment I couldn't even receive pain medication from, Gorman, Hamm, Lawrence, or Randt even though they knew about the broken arm.

33. All of the above statements are recorded on Fixed wing Audio/Video recordings Surveillance equipment From 6/19/21 to 6/23/21 with recordings requested for retention for legal purposes.

34. Office of the Inspector General also has Copies of all the 6/19/21 to 6/23/21 Audio/Video recordings due to the Grievances filed and Retention of these requested.

35. I cannot verify the names of inmate witnesses or orderlies or go into further detail on times untill after discovery, Leaving me open to Amend this Complaint after reviewing all discovery items.

Exhaustion of Administrative Remedies.

36. The plaintiff has Exhausted All of his administrative remedies in respect to all claims and has also requested the retention of all relevant Audio/Video recordings. See Attached Grievance Log #'s 430-2106-0180; 2107-430-043; 21-6-22718; 2107-430-033 and ~~2107-430-042~~ Disciplinary Log #'s 430-210608 and 430-210634 that were dismissed without action.

Claims for Relief.

37. The actions of defendants Gorman, Hemm, Randt and Lawrence in denying the plaintiff without food or water without need or provocation, were done Maliciously and Sadistically and Constituted Cruel and Unusual punishment in violation of the Eighth Amendment of the United States Constitution.

38. The actions of defendants Gorman, Hamm, Randt, and Lawrence in denying the plaintiff access to or notifying medical of the plaintiff's serious medical needs for plaintiff's 86 cuts and ongoing care and treatment for his broken right forearm without need or provocation were done Maliciously and Sadistically and Constituted the Denial of Serious Medical Needs in violation of the Eighth Amendment to the United States Constitution.

39. The actions of defendants Gorman, Hamm, Randt, and Lawrence in failing to follow all Rules, Regulations, and Laws of the Department of Corrections and State of Florida by keeping the plaintiff housed without clothing, property, Food, and Water and keeping plaintiff housed in S.H.O.S. after being released from that Status for 12 days were done Maliciously and Sadistically, Intentionally, Constituted Denial of Due Process of plaintiff's rights in violation of the Eighth Amendment of the United States Constitution.

40. The actions of defendant Lawrence in falsifying state documents intentionally by writing multiple false disciplinary reports just to keep me housed in confinement were done without need or provocation, Maliciously and Sadistically and Constituted Denial of Due Process in violation of the United States Constitution.

41. The actions of defendant Gorman in giving plaintiff a sharp end piece of metal and telling him to "kill himself", Constituted Cruel and Unusual punishment in violation of the United States Constitution

42. The actions of defendants Gorman, Hamm, Randt, and Lawrence in failing to follow all Rules, Regulations, and Laws pertaining to their job Constituted Malpractice under Florida Tort Law.

43. The actions of defendants Gorman, and Randt in giving out Confidential Information, Intentionally were done without need in violation of Florida Tort Law.

44. The actions of defendant Gorman in giving plaintiff a sharp end piece of metal and telling plaintiff to "kill himself", Constituted Negligence under the Florida Tort Law.

Relief Requested

WHEREFORE, plaintiff requests that this Honorable Court grant the following Relief:

A. Issue a declaratory judgement stating that:

1. The actions by defendants Gorman, Hamm, Randt, and Lawrence violated the plaintiffs' rights under the Eighth Amendment to the United States Constitution.

2. The actions by defendants Gorman, Hamm, Randt, and Lawrence constituted Malpractice under Florida Tort Law.

3. The actions by defendants Gorman, Hamm, and Randt constituted Negligence under Florida Tort Law.

B. Award Compensatory Damages in the following amounts:

1. \$ 70,000.⁰⁰ for the permanent physical disfigurement and psychological damages from the 86 cuts received.

2. \$ 50,000.⁰⁰ against defendants Gorman, Hamm, Randt, and Lawrence jointly and severally for the physical and psychological damages for the violations of denial of Serious Medical Needs.

C. Award punitive damages in the following amounts:

1. \$ 30,000.⁰⁰ jointly and severally against defendants Hamm, Randt, and Lawrence for the violations of the United States Constitution, and Florida Rules, Regulations, and Laws.

2. \$ 50,000.⁰⁰ against defendant Gorman for the violations of the United States Constitution, and Florida Rules, Regulations, and Laws.

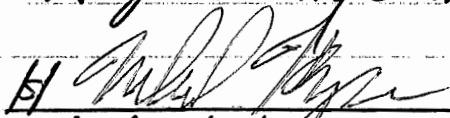
D. Trial By Jury.

E. Order that the defendants are held personally responsible for all Court costs, Attorney Fees, and any other Fees, Fines, or Costs deemed appropriate by the Court.

F. Order an Injunction that the plaintiffs arm be fixed properly by an Orthopedic Surgeon with proper diagnostic testing and Care in an appropriate setting, not just some Department of Corrections non-Specialist doctor who is not an Orthopedic Surgeon.

Date: 9/9/2022

Respectfully Submitted,

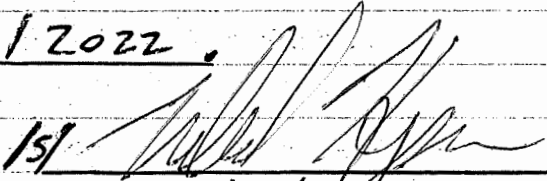


Michael Hogan #V21612
pro. se, Litigant

Declaration

I declare under penalty of perjury that the above statement of facts are true and correct.

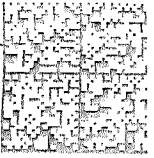
Date: 9/9/2022



Michael Hogan #V21612

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Clerk of Court
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